

Remarks

Applicant has canceled claims 6, 46 and 52, and amended claim 41. In accordance therewith, applicant has also included a request to delete one of the named inventors under 37 C.F.R. § 1.48(b). Accordingly, claims 1-5, 7-45, 47-51, and 53-75 are presently pending.

Request to Designate the Instant Application for Small Entity Status

Pursuant to the requirements set forth in 37 C.F.R. § 1.27, applicant respectfully requests that the status of the instant application be designated as a small entity.

In accordance with the deletion of one inventor from this application, namely Dr. E. Neil Lewis, the presently claimed invention is entirely invented by the three remaining inventors, all of whom have assigned the entirety of their interests in the application to HyperMed Inc.

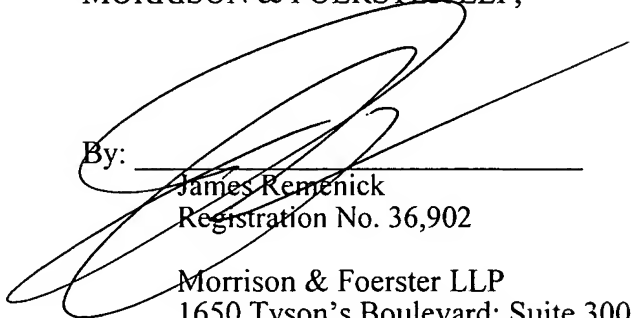
HyperMed Inc. is a small business concern and meets the standards set forth in 37 C.F.R. § 1.27(a)(2)(i) and (ii), and therefore entitled to small entity status and, in accordance therewith, to pay reduced fees to the U.S. Patent and Trademark Office pursuant to 37 C.F.R. § 1.27(b).

Conclusion

The application is in condition for examination and the prompt issuance of an office action is earnestly solicited. If there are any fees due with the filing of this Preliminary Amendment, not otherwise accounted for herein, including any fees for an extension of time, applicant respectfully requests that extension and further requests that any and all such fees be charged to Deposit Account No. 03-1952.

Respectfully submitted
MORRISON & FOERSTER LLP,

Date: January 9, 2004

By: 
James Remenick
Registration No. 36,902

Morrison & Foerster LLP
1650 Tyson's Boulevard; Suite 300
McLean, Virginia 22102
Telephone: (703) 760-7700
Facsimile: (703) 760-7777
Customer Number 25227